

REMARKS

Claims 1-2, 4-5, 7, 9, 17, 29-30, and 48-60 are pending in this application. In this Response, Applicants have amended certain claims. In light of the Office Action, Applicants believe these amendments serve a useful clarification purpose, and are desirable for clarification purposes, independent of patentability. Accordingly, Applicants respectfully submit that the claim amendments do not limit the range of any permissible equivalents.

In particular, independent claims 1 and 29-30 have been rewritten to further clarify the invention. In addition, various claims depending therefrom have been amended or canceled to maintain consistency with the independent claims.

As no new matter has been added by the amendments herein, Applicants respectfully request entry of these amendments at this time.

THE REJECTION UNDER 35 U.S.C. §§ 102 & 103

Claims 1, 4-5, 7, and 17 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,290,614 to Kennedy *et al.* for the reasons provided on pages 2-3 of the Office Action. In addition, the Examiner rejected claim 2 under § 103(a) as being obvious over Kennedy in view of U.S. Patent No. 6,582,325 to Ichikawa *et al.* as provided on page 4 of the Office Action. Claims 30 and 55-57 were also rejected under § 103(a) as being obvious over Kennedy for the reasons set forth on pages 4-5 of the Office Action. The Examiner also rejected claim 54 under § 103(a) as obvious over Kennedy in view of U.S. Patent No. 4,288,586 to Bock *et al.* as stated on page 5 of the Office Action. Moreover, claims 29 and 48-53 were rejected under § 103(a) as obvious over Kennedy in view of U.S. Patent No. 6,174,984 to Peter as provided on pages 5-6 of the Office Action. Finally, claim 9 was rejected under § 103(a) as obvious over Kennedy in view of U.S. Patent No. 6,213,895 to Sullivan for the reasons stated on page 7 of the Office Action.

According to MPEP § 2136.05, a 35 U.S.C. § 102(e) rejection, or a § 103(a) rejection based on a § 102(e) reference, can be overcome by antedating the filing date of the reference by submitting an affidavit or declaration under 37 C.F.R. § 1.131. MPEP § 2136.05. In light of this instruction, Applicants respectfully submit that Kennedy is not prior art to the present invention as defined under 35 U.S.C. § 102(e). In particular, the subject matter of the present application was conceived of prior to the October 1, 1999 filing date of the Kennedy reference.

In support of this position, Applicants submit herewith a Declaration of Manjari Kuntimaddi under 37 CFR § 1.131 ("the Kuntimaddi Declaration"), as well as supporting

documentation. The Kuntimaddi Declaration demonstrates conception and reduction to practice of the invention, as presently claimed, before the effective filing date of the Kennedy patent. For example, Exhibit A includes an invention record setting forth details of a RIM process using low viscosity materials, *i.e.*, isocyanates and polyols, for fast-reacting polyurethane systems to produce golf ball components.

Thus, Exhibit A demonstrates that the invention recited in the pending claims was conceived and reduced to practice prior to the filing date of the Kennedy reference. In light of the Kuntimaddi Declaration, Applicants respectfully submits that, since Kennedy is not prior art under 35 U.S.C. § 102(e), the rejections under 35 U.S.C. §§ 102(e) and 103(a) based thereon have been overcome.

Furthermore, because Kennedy is not available as prior art to the present invention, the secondary references alone, or in any combination, do not support a proper anticipation or obviousness rejection. In fact, the Examiner appears to rely on Ichikawa only for its disclosure of a reaction product of a polyol and a polyisocyanate. In addition, the Examiner appears to cite Bock to remedy Kennedy's silence with regard to the percent of isocyanate groups in a polyisocyanate. Likewise, Peter is cited merely for its disclosure of low free isocyanate monomers. Finally, Sullivan is cited only for its disclosure of inner cover layer hardness. None of these references disclose or suggest the present invention. As such, Applicants respectfully request that the §§ 102 and 103 rejections be reconsidered and withdrawn.

ATTORNEY DOCKET NUMBER

Applicants submitted a Request for Change in Attorney Docket Number on September 17, 2004, a copy of which is also submitted herewith. Applicants request that the change from 20002.0024A to 20002.0350 be recorded and acknowledged.

CONCLUSION

All claims are believed to be in condition for allowance. If the Examiner believes that the present amendments still do not resolve all of the issues regarding patentability of the pending claims, Applicants invite the Examiner to contact the undersigned attorneys to discuss any remaining issues.

A Petition for Extension of Time is submitted herewith to extend the time for response one month to and including August 8, 2005. No other fees are believed to be due at this time. Should any fee be required, however, please charge such fee to Swidler Berlin LLP Deposit Account No. 195127, Order No. 20002.0350.

Respectfully submitted,
SWIDLER BERLIN LLP

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